

Escheated the Land) as proved to the Jury of which they had not offered one title of Evidence; He objected to those facts standing as part of the Verdict; And after much altercation their Honours of the Bench did think it unreasonable that they should incert any facts as proved, to which no sort of Evidence had been given; This drove them to some sort of proof; in doing of which their Honours made them Ample amends for laying them under this Necessity; For in the first place, instead of obliging them to produce either Deeds or Wills to show these two several transfers, as they ought to have done, they permitted them to prove them by witnesses; In the next place they Ruled that what the witnesses declared they heard an old woman say, was good Evidence, contrary to the known rule not to admit hearsay as substantive Evidence; And lastly, they violated both this & another rule, that a party interested shall not be a witness, for their Honours ruled that what the witnesses declared they had heard a person who at the time of which they spoke was in Possession of this Land and claimed it as his own say, concerning the manner in which he came by it, to be good Evidence; And thus they made out those two steps of their Title, & those facts were allowed by the court to stand in the Special Verdict as proved; They having by this means made out their Title under the original Patentee, whence consequently there could be no Escheat, & therefore the Escheat Patent void; By the Extraordinary & absurd determinations of their Honours with regard to Evidence; And which may serve as a Precedent for them in other Similar cases & so Strip the Proprietor of his rights to Escheates, by Pretended proof; and notwithstanding the direction of the court to the Jury for a Special Verdict (w^h was drawn up) the Def^t counsel endeavoured to preswade the Jury to find a General Verdict from popular arguments to do so; And notwithstanding M^r Attorney Bordley endeavoured to awaken their Honours from their seeming Lethargy by putting them in mind of their proper Authority, the debate being Ended & Submitted to the Decision of their Honours, they did stop M^r Goldsboroug; And his Honour the Chief Justice (a clerk to a county court) directed the Jury to find a Special Verdict; But at the same time told them, that however they might if they pleased find a General one; upon this they retired & returned with a General Verdict for the Def^t And thus M^r Chief Justice as a weather cock Blown & wavering at all points (of Law) his vane of Judgement setting North East (or rather North West the Blight in America) he Breathed forth (words) & Blasted the face of Justice & Darken'd the proper lights for an appeal; what a Judge! against his Lord; He has Manifested good cause for his remove from the seat